IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

LA.App..No. 675 of 2004()

LAR.56/1994 of ADDL.SUB COURT,KOLLAM
.....

APPELLANT: RESPONDENT.

STATE OF KERALA.

BY GOVERNMENT PLEADER SMT.LATHA THANKAPPAN

RESPONDENTS: CLAIMANT.

ANANDAN, S/O.VELUTHAKUNJU, THURAYIL
VADAKKETHIL, VENGARA, KALLALIBHAGAM.

BY ADDL.ADVOCATE GENERAL
SRI.SIRAJ KAROLY

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 06/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.675 of 2004

Dated this the 6th day of November, 2007

JUDGMENT

Kurian Joseph,J.

This appeal is filed against the judgment and decree in L.A.R.No.56/1994 on the file of the Sub Court, Kollam. The acquisition is for the purpose of doubling railway line. The extent involved is only 1.89 Ares. The Land Acquisition Officer fixed land value at Rs.5,178/- per Are. The reference court gave a further enhancement to the tune of Rs.15,894/- per Are. Though the claimants heavily relied on Ext.A3, the reference court found that Ext.A3 pertains to the transaction involving only 1 cent and hence appropriate deduction is to be made. Accordinglye 1/4th of the value of Ext.A3 property has been taken. The total enhancement in the process comes to only around Rs.30,000/-. On the basis of the evidence available on record it cannot be said that the fixation thus made by the reference court is unjust or unreasonable, particularly in view of the fact that the basic land is situated 1 km. away from the acquired property and that it has

come out in evidence that it is a watter logged area, whereas the acquired property is dry land. Therefore, there is no merit in the appeal. It is accordingly dismissed.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

ahg.

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A.No.675 of 2004

JUDGMENT

6th November, 2007